

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

Docket No.
8634.8

Serial No.
09/021,009

Filing Date
March 29, 2001

Patent No.
Not Yet Assigned

Issue Date
Not Yet Issued

Applicant/
Patentee: R. Alan Whitehurst, Christopher L. Powell and Roger Webb

Invention: A METHOD AND SYSTEM FOR TRAINING IN AN ADAPTIVE MANNER

JAN 24 2002

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ORIGINALLY FILED

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: fbtraining.com, Inc.

ADDRESS OF CONCERN: 220 West 540 North, Orem, Utah 84057

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

- ☐ the specification filed herewith with title as listed above.
- ☒ the application identified above.
- ☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ If such person, concern or organization exists.
☐ If each such person, concern or organization is listed below.

FULL NAME			
ADDRESS			
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME			
ADDRESS			
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME			
ADDRESS			
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME			
ADDRESS			
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Barry K. Phillips
 TITLE OF PERSON SIGNING: _____
 OTHER THAN OWNER: President/CEO
 ADDRESS OF PERSON SIGNING: 220 West 540 North
Orem, Utah 84057

SIGNATURE:

Barry K. Phillips

DATE:

12/20/2001

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PATENT



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DECLARATION POWER OF ATTORNEY AND PETITION

We, R. Alan Whitehurst, Christopher L. Powell and Roger Webb, declare: that we are citizens of the United States of America; that our residence and post office addresses are 1831 N. 350 West, Orem, Utah 84057, 492 N. 680 West, American Fork, Utah 84003 and 348 E. 100 South, Nephi, Utah 84648, respectively; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled "A METHOD AND SYSTEM FOR TRAINING IN AN ADAPTIVE MANNER," for which a patent is sought and which is described and claimed in the specification which was filed in the United States Patent and Trademark Office on March 29, 2001 as Serial No. 09/821,009; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose to the Patent and Trademark Office all information known to us to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys

Bernie S. Broadbent, Registration No. 30,550
Dale E. Hulsc, Registration No. 29,654
Todd E. Zenger, Registration No. 33,610
Michael F. Krieger, Registration No. 35,232
Stephen H. Bean, Registration No. 41,607
Michael M. Conger, Registration No. 43,562
Julie H. Gheem, Registration No. 47,592
Christopher L. Johnson, Registration No. 46,809

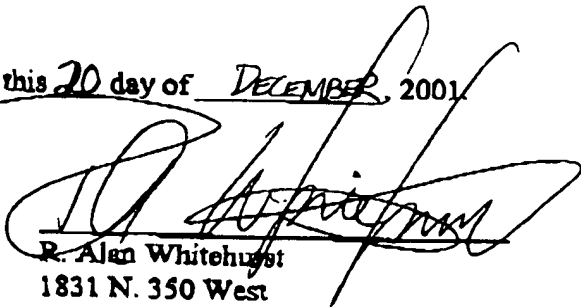
with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All correspondence and telephonic communications should be directed to:

Bernie S. Broadbent
KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
P.O. Box 45120
Salt Lake City, Utah 84145-0120

Telephone: (801) 328-3600

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at OREM, Utah this 20 day of DECEMBER, 2001.

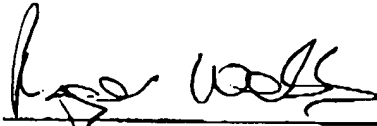

R. Alan Whitehurst
1831 N. 350 West
Orem, Utah 84057

Signed at OREM, Utah this 26 day of December, 2001.



Christopher L. Powell
492 N. 680 West
American Fork, Utah 84003

Signed at OREM, Utah this 20 day of December, 2001.



Roger Webb
348 E. 100 South
Nephi, Utah 84648

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